

# House File 569 - Reprinted

HOUSE FILE 569  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 185)

(As Amended and Passed by the House March 27, 2013)

## A BILL FOR

1 An Act relating to licensure of professionals practicing  
2 substance and addictive disorder counseling or providing  
3 substance and addictive disorder prevention services,  
4 making penalties applicable, and including transition,  
5 implementation, and effective date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2013,  
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician and  
5 surgeon, physician assistant, psychologist, chiropractor,  
6 nurse, dentist, dental hygienist, dental assistant,  
7 optometrist, speech pathologist, audiologist, pharmacist,  
8 physical therapist, physical therapist assistant, occupational  
9 therapist, occupational therapy assistant, orthotist,  
10 prosthetist, pedorthist, respiratory care practitioner,  
11 practitioner of cosmetology arts and sciences, practitioner  
12 of barbering, funeral director, dietitian, marital and  
13 family therapist, mental health counselor, social worker,  
14 substance and addictive disorder counselor, master substance  
15 and addictive disorder counselor, independent substance  
16 and addictive disorder counselor, substance and addictive  
17 disorder prevention professional, massage therapist, athletic  
18 trainer, acupuncturist, nursing home administrator, hearing aid  
19 dispenser, or sign language interpreter or transliterator means  
20 a person licensed under this subtitle.

21 6. "*Profession*" means medicine and surgery, podiatry,  
22 osteopathic medicine and surgery, practice as a physician  
23 assistant, psychology, chiropractic, nursing, dentistry,  
24 dental hygiene, dental assisting, optometry, speech pathology,  
25 audiology, pharmacy, physical therapy, physical therapist  
26 assisting, occupational therapy, occupational therapy  
27 assisting, respiratory care, cosmetology arts and sciences,  
28 barbering, mortuary science, marital and family therapy,  
29 mental health counseling, social work, substance and addictive  
30 disorder counseling, substance and addictive disorder  
31 prevention services, dietetics, massage therapy, athletic  
32 training, acupuncture, nursing home administration, hearing  
33 aid dispensing, sign language interpreting or transliterating,  
34 orthotics, prosthetics, or pedorthics.

35 Sec. 2. Section 147.2, subsection 1, Code 2013, is amended

1 to read as follows:

2 1. A person shall not engage in the practice of medicine  
3 and surgery, podiatry, osteopathic medicine and surgery,  
4 psychology, chiropractic, physical therapy, physical  
5 therapist assisting, nursing, dentistry, dental hygiene,  
6 dental assisting, optometry, speech pathology, audiology,  
7 occupational therapy, occupational therapy assisting,  
8 orthotics, prosthetics, pedorthics, respiratory care,  
9 pharmacy, cosmetology arts and sciences, barbering, social  
10 work, dietetics, marital and family therapy or mental health  
11 counseling, substance and addictive disorder counseling or  
12 substance and addictive disorder prevention services, massage  
13 therapy, mortuary science, athletic training, acupuncture,  
14 nursing home administration, hearing aid dispensing, or sign  
15 language interpreting or transliterating, or shall not practice  
16 as a physician assistant, unless the person has obtained a  
17 license for that purpose from the board for the profession.

18 Sec. 3. Section 147.13, subsection 16, Code 2013, is amended  
19 to read as follows:

20 16. For marital and family therapy, and mental health  
21 counseling, substance and addictive disorder counseling, and  
22 substance and addictive disorder prevention services, the board  
23 of behavioral science.

24 Sec. 4. Section 147.14, subsection 1, paragraph m, Code  
25 2013, is amended to read as follows:

26 m. For behavioral science, ~~three~~ two members licensed  
27 to practice marital and family therapy, all both of whom  
28 shall be practicing marital and family therapists; ~~three~~ two  
29 members licensed to practice mental health counseling, one  
30 of whom shall be employed in graduate teaching, training,  
31 or research in mental health counseling and ~~two~~ one of whom  
32 shall be a practicing mental health counselor; two  
33 members licensed to practice substance and addictive disorder  
34 counseling or substance and addictive disorder prevention  
35 services; and three members who are not licensed to practice

1 marital and family therapy, ~~or~~ mental health counseling,  
2 substance and addictive disorder counseling, or substance and  
3 addictive disorder prevention services and who shall represent  
4 the general public.

5 Sec. 5. Section 147.74, Code 2013, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 23A. A substance and addictive disorder  
8 counselor licensed under chapter 154D may use the words  
9 "licensed substance and addictive disorder counselor" after  
10 the person's name or signify the same by the use of the  
11 letters "L.S.A.D.C." after the person's name. A master  
12 substance and addictive disorder counselor licensed under  
13 chapter 154D may use the words "licensed master substance  
14 and addictive disorder counselor" after the person's name or  
15 signify the same by the use of the letters "L.M.S.A.D.C." after  
16 the person's name. An independent substance and addictive  
17 disorder counselor licensed under chapter 154D may use the  
18 words "licensed independent substance and addictive disorder  
19 counselor" after the person's name or signify the same by the  
20 use of the letters "L.I.S.A.D.C." after the person's name.  
21 A substance and addictive disorder prevention professional  
22 licensed under chapter 154D may use the words "licensed  
23 substance and addictive disorder prevention professional" after  
24 the person's name or signify the same by the use of the letters  
25 "L.S.A.D.P.P." after the person's name.

26 Sec. 6. Section 154D.1, subsection 4, Code 2013, is amended  
27 to read as follows:

28 4. "*Licensee*" includes a licensed marital and family  
29 therapist, ~~and~~ a licensed mental health counselor, a licensed  
30 substance and addictive disorder counselor, a licensed  
31 master substance and addictive disorder counselor, a licensed  
32 independent substance and addictive disorder counselor,  
33 and a licensed substance and addictive disorder prevention  
34 professional.

35 Sec. 7. Section 154D.1, Code 2013, is amended by adding the

1 following new subsections:

2     NEW SUBSECTION. 1A. *"Licensed independent substance*  
3 *and addictive disorder counselor"* means a person licensed  
4 to practice substance and addictive disorder counseling as  
5 an independent substance and addictive disorder counselor  
6 pursuant to this chapter. A licensed independent substance  
7 and addictive disorder counselor is qualified to practice  
8 independently in private practice.

9     NEW SUBSECTION. 2A. *"Licensed master substance and addictive*  
10 *disorder counselor"* means a person licensed to practice  
11 substance and addictive disorder counseling as a master  
12 substance and addictive disorder counselor pursuant to this  
13 chapter. A licensed master substance and addictive disorder  
14 counselor may practice in a program licensed or excepted from  
15 licensure pursuant to chapter 125.

16     NEW SUBSECTION. 3A. *"Licensed substance and addictive*  
17 *disorder counselor"* means a person licensed to practice  
18 substance and addictive disorder counseling pursuant to this  
19 chapter. A licensed substance and addictive disorder counselor  
20 may practice in a program licensed or excepted from licensure  
21 pursuant to chapter 125, under the clinical oversight of a  
22 licensed master substance and addictive disorder counselor  
23 or a licensed independent substance and addictive disorder  
24 counselor.

25     NEW SUBSECTION. 3B. *"Licensed substance and addictive*  
26 *disorder prevention professional"* means a person licensed to  
27 provide substance and addictive disorder prevention services  
28 pursuant to this chapter.

29     NEW SUBSECTION. 6A. *"Substance and addictive disorder*  
30 *counseling"* means counseling of persons with substance and  
31 addictive disorders which consists of the application of  
32 general counseling theories and treatment methods adopted with  
33 the express purpose of treating alcohol, drug, and gambling  
34 problems.

35     NEW SUBSECTION. 6B. *"Substance and addictive disorder*

1 *prevention services*" means services that implement strategies  
2 and activities that have been shown to increase protective  
3 factors, prevent high-risk behaviors, and effectively reduce  
4 rates of substance and addictive disorders.

5     Sec. 8. NEW SECTION. 154D.2A **Licensure — substance and**  
6 **addictive disorder counseling and prevention services.**

7     1. An applicant for a license to practice as a substance  
8 and addictive disorder counselor shall be granted a license  
9 by the board if the applicant satisfies all of the following  
10 requirements:

11     a. Possesses a bachelor's degree in substance and addictive  
12 disorders or a counseling-related area from an accredited  
13 educational institution or from a program approved by the  
14 board.

15     b. Possesses the required years of supervised clinical  
16 experience or its equivalent as approved by the board.

17     c. Passes an examination approved by the board.

18     2. An applicant for a license to practice as a master  
19 substance and addictive disorder counselor shall be granted  
20 a license by the board if the applicant satisfies all of the  
21 following requirements:

22     a. Possesses a master's degree in substance and addictive  
23 disorders or a counseling-related area from an accredited  
24 educational institution or from a program approved by the  
25 board.

26     b. Possesses the required years of supervised clinical  
27 experience or its equivalent as approved by the board.

28     c. Passes an examination approved by the board.

29     3. An applicant for a license to practice as an independent  
30 substance and addictive disorder counselor shall be granted  
31 a license by the board if the applicant satisfies all of the  
32 following requirements:

33     a. Possesses a master's degree in substance and addictive  
34 disorders or a counseling-related area from an accredited  
35 educational institution or from a program approved by the

1 board.

2     *b.* Possesses the required years of supervised clinical  
3 experience or its equivalent as approved by the board.

4     *c.* Has at least one year of experience in the treatment of  
5 and service delivery for substance and addictive disorders.

6     *d.* Passes an examination approved by the board.

7     4. An applicant for a license to provide substance and  
8 addictive disorder prevention services shall be granted a  
9 license by the board if the applicant satisfies all of the  
10 following requirements:

11     *a.* Possesses a bachelor's degree in a substance and  
12 addictive disorders prevention-related area from an accredited  
13 educational institution or from a program approved by the  
14 board.

15     *b.* Possesses the required years of supervised clinical  
16 experience or its equivalent as approved by the board.

17     *c.* Passes an examination approved by the board.

18     Sec. 9. NEW SECTION. 154D.2B Scope of work — substance and  
19 addictive disorder counseling.

20     1. *a.* The scope of work for a person licensed as a  
21 substance and addictive disorder counselor includes all of the  
22 following and applies to co-occurring mental health problems  
23 that are within the limits of the person's training and  
24 experience:

25         (1) Evaluation, including formulation of a diagnosis  
26 of a substance and addictive disorder, with review by an  
27 independent substance and addictive disorder counselor, a  
28 master substance and addictive disorder counselor, or a mental  
29 health professional as defined in section 228.1; screening,  
30 brief intervention, and referral to treatment.

31         (2) Treatment planning.

32         (3) Referral.

33         (4) Service coordination and case management.

34         (5) Counseling and education with individuals, families,  
35 and groups.

1     (6) Substance and addictive disorder services including  
2 client, family, and community education.

3     (7) Documentation.

4     (8) Professional and ethical responsibilities.

5     (9) Supervision of licensed substance and addictive  
6 disorder prevention professionals.

7     **b.** A person licensed as a substance and addictive disorder  
8 counselor may practice at a facility, in a primary care  
9 setting, or under the clinical supervision of an independent  
10 substance and addictive disorder counselor, a master  
11 substance and addictive disorder counselor, or a mental health  
12 professional as defined in section 228.1.

13     **2. a.** The scope of work for a person licensed as a master  
14 substance and addictive disorder counselor includes all of the  
15 following and applies to co-occurring mental health problems  
16 that are within the limits of the person's training and  
17 experience:

18     (1) Evaluation, including the diagnosis of substance and  
19 addictive disorders, screening, and assessment.

20     (2) Treatment planning.

21     (3) Referral.

22     (4) Service coordination and case management.

23     (5) Counseling and education with individuals, families,  
24 and groups.

25     (6) Substance and addictive disorder services including  
26 client, family, and community education.

27     (7) Documentation.

28     (8) Professional and ethical responsibilities.

29     (9) Supervision of licensed substance and addictive  
30 disorder counselors and licensed substance and addictive  
31 disorder prevention professionals.

32     **b.** A person licensed as a master substance and addictive  
33 disorder counselor may practice at a facility, in a primary  
34 care setting, or under the clinical supervision of an  
35 independent substance and addictive disorder counselor or a



1 mental health professional as defined in section 228.1.

2 3. a. The scope of work for a person licensed as an  
3 independent substance and addictive disorder counselor includes  
4 all of the following and applies to co-occurring mental health  
5 problems that are within the limits of the person's training  
6 and experience:

7 (1) Clinical evaluation, including the diagnosis of  
8 substance and addictive disorders, screening, and assessment.

9 (2) Treatment planning.

10 (3) Referral.

11 (4) Service coordination and case management.

12 (5) Counseling, therapy, and education with individuals,  
13 families, and groups.

14 (6) Substance and addictive disorder services including  
15 client, family, and community education.

16 (7) Documentation.

17 (8) Professional and ethical responsibilities.

18 (9) Supervision of licensed substance and addictive  
19 disorder counselors, licensed master substance and addictive  
20 disorder counselors, licensed substance and addictive disorder  
21 prevention professionals, and mental health professionals as  
22 defined in section 228.1.

23 b. A person licensed as an independent substance and  
24 addictive disorder counselor may practice at a facility,  
25 in a primary care setting, or as an independent private  
26 practitioner.

27 Sec. 10. Section 154D.3, subsection 1, paragraph b, Code  
28 2013, is amended to read as follows:

29 b. (1) Standards for professional conduct of persons  
30 licensed under this chapter.

31 (2) Standards for professional conduct for persons  
32 practicing substance and addictive disorder counseling or  
33 providing substance and addictive disorder prevention services  
34 shall address the following: informed consent, supervision,  
35 privacy and confidentiality, record keeping, access to

1 records, billing and fees, conflicts of interest, physical  
2 contact, termination of service, misrepresentation, disclosure,  
3 impairment, research, and other areas as determined by the  
4 board.

5     Sec. 11. Section 154D.3, subsection 1, Code 2013, is amended  
6 by adding the following new paragraphs:

7     NEW PARAGRAPH. f. Requirements for a notification  
8 provided by a licensed substance and addictive disorder  
9 counselor, licensed master substance and addictive disorder  
10 counselor, licensed independent substance and addictive  
11 disorder counselor, or a licensed substance and addictive  
12 disorder prevention professional to the board regarding  
13 professional disciplinary action taken against the person in  
14 any state. Professional disciplinary action in any state may  
15 be grounds for termination of a license to practice substance  
16 and addictive disorder counseling or provide substance and  
17 addictive disorder prevention services under this chapter.

18     NEW PARAGRAPH. g. Requirements for listing professional  
19 degrees related to substance and addictive disorder counseling  
20 or substance and addictive disorder prevention services.

21     NEW PARAGRAPH. h. Requirements for the accepted standards  
22 of professional competence for a license to practice substance  
23 and addictive disorder counseling or substance and addictive  
24 disorder prevention services.

25     NEW PARAGRAPH. i. Requirements for allowing reciprocity  
26 for persons licensed in other jurisdictions to become licensed  
27 to practice as substance and addictive disorder counselors or  
28 substance and addictive disorder prevention professionals if  
29 the qualifications for licensure in the other jurisdiction are  
30 equivalent.

31     NEW PARAGRAPH. j. Standards for the scope of practice for  
32 substance and addictive disorder prevention professionals,  
33 which shall not include the diagnosis or treatment of substance  
34 or addictive disorders.

35     NEW PARAGRAPH. k. Standards for substance and addictive

1 disorder prevention professionals' ethical and sexual conduct  
2 in regard to persons who receive substance and addictive  
3 disorder prevention services.

4 Sec. 12. Section 154D.4, subsection 1, Code 2013, is amended  
5 to read as follows:

6 1. This chapter and chapter 147 do not prevent qualified  
7 members of other professions, including but not limited to  
8 nurses, psychologists, social workers, physicians, physician  
9 assistants, attorneys at law, or members of the clergy, from  
10 providing or advertising that they provide services of a  
11 marital and family therapy, ~~or~~ mental health counseling,  
12 substance and addictive disorder counseling, or substance and  
13 addictive disorder prevention services nature consistent with  
14 the accepted standards of their respective professions, but  
15 these persons shall not use a title or description denoting  
16 that they are licensed marital and family therapists, ~~or~~  
17 licensed mental health counselors, licensed substance and  
18 addictive disorder counselors, licensed master substance and  
19 addictive disorder counselors, licensed independent substance  
20 and addictive disorder counselors, or licensed substance and  
21 addictive disorder prevention professionals.

22 Sec. 13. Section 154D.4, subsection 2, paragraphs a and b,  
23 Code 2013, are amended to read as follows:

24 a. Students whose activities are conducted within a course  
25 of professional education in marital and family therapy, ~~or~~  
26 mental health counseling, substance and addictive disorder  
27 counseling, or substance and addictive disorder prevention  
28 services.

29 b. A person who practices marital and family therapy, ~~or~~  
30 mental health counseling, substance and addictive disorder  
31 counseling, or substance and addictive disorder prevention  
32 services under the supervision of a person licensed under  
33 this chapter as part of a clinical experience as described in  
34 section 154D.2, subsection 2, or section 154D.2A.

35 Sec. 14. Section 154D.5, Code 2013, is amended to read as

1 follows:

2     **154D.5 Sexual conduct with client.**

3     The license of a marital and family therapist, ~~or~~ a mental  
4 health counselor, a substance and addictive disorder counselor,  
5 a master substance and addictive disorder counselor, or an  
6 independent substance and addictive disorder counselor shall  
7 be revoked if the board finds that the licensee engaged in  
8 sexual activity with a client as determined by board rule. The  
9 revocation shall be in addition to any other penalties provided  
10 by law.

11     Sec. 15. NEW SECTION. **154D.8 Temporary license — substance**  
12 **and addictive disorder counseling — substance and addictive**  
13 **disorder prevention services — fees.**

14     A person who has fulfilled all of the applicable  
15 requirements for licensure under section 154D.2A except for  
16 completion of the supervised clinical experience requirement  
17 as determined by the board, may apply to the board for a  
18 temporary license. A temporary license shall be designated as  
19 such and shall authorize the licensee to practice substance  
20 and addictive disorder counseling or to provide substance and  
21 addictive disorder prevention services under the supervision  
22 of a qualified supervisor as determined by the board. The  
23 license shall be valid for three years and may be renewed at  
24 the discretion of the board. The fee for a temporary license  
25 shall be set by the board to cover the administrative cost of  
26 issuing the license and, if renewed, a renewal fee as set by  
27 the board shall be required.

28     Sec. 16. Section 232.69, subsection 1, paragraph b,  
29 subparagraph (6), Code 2013, is amended to read as follows:

30     (6) An A person licensed to practice substance and addictive  
31 disorder counseling or prevention services or an employee or  
32 operator of a substance abuse program or facility licensed  
33 under chapter 125.

34     Sec. 17. Section 235B.3, subsection 2, Code 2013, is amended  
35 by adding the following new paragraph:

1     NEW PARAGRAPH.   *i.*   A person licensed to practice substance  
2 and addictive disorder counseling or prevention services.

3     Sec. 18.   TRANSITION PROVISIONS.

4     1.   Notwithstanding sections 147.14 and 147.16, the governor  
5 may intitially appoint to the board of behavioral science  
6 pursuant to section 147.14, subsection 1, paragraph "m", as  
7 amended by this Act, subject to confirmation by the senate,  
8 in lieu of the members licensed to practice substance and  
9 addictive disorder counseling and substance and addictive  
10 disorder prevention services, members with experience and  
11 expertise that is substantially equivalent to the professional  
12 requirements for a license to practice substance and addictive  
13 disorder counseling or substance and addictive disorder  
14 prevention services.

15    2.   a.   A substance and addictive disorder counselor  
16 practicing substance and addictive disorder counseling or  
17 a substance and addictive disorder prevention professional  
18 providing substance and addictive disorder prevention services  
19 on or before January 1, 2015, may continue practicing substance  
20 and addictive disorder counseling or providing substance and  
21 addictive disorder prevention services, as applicable, while  
22 completing licensure as required under this Act.

23    b.   A person practicing substance and addictive disorder  
24 counseling or providing substance and addictive disorder  
25 prevention services on or before January 1, 2015, that  
26 possesses credentials acceptable to the board of behavioral  
27 science but does not meet the requirements for licensure in  
28 section 154D.2A, as enacted in this Act, shall be eligible for  
29 licensure as a substance and addictive disorder counselor or  
30 substance and addictive disorder prevention professional as  
31 determined by the board. Those persons receiving licenses  
32 pursuant to this paragraph shall remain eligible for renewal  
33 of the license notwithstanding the requirements of section  
34 154D.2A, as enacted in this Act, unless the board otherwise  
35 determines the person is not eligible for renewal of the

1 license.

2 c. The board of behavioral science shall adopt rules to  
3 provide a transition process that allows the substance and  
4 addictive disorder counselors and substance and addictive  
5 disorder prevention professionals described in this subsection  
6 to complete the requirements for licensure and obtain a license  
7 or to obtain a license notwithstanding section 154D.2A as  
8 enacted in this Act based on the person's credentials, no later  
9 than June 30, 2016.

10 Sec. 19. IMPLEMENTATION.

11 1. The sections of this Act relating to requirements for  
12 licensure of substance and addictive disorder counselors,  
13 master substance and addictive disorder counselors, independent  
14 substance and addictive disorder counselors, and substance and  
15 addictive disorder prevention professionals, including sections  
16 154D.2A, 154D.2B, and 154D.8, as enacted in this Act; and  
17 sections 147.1, 147.2, 147.13, 147.74, 154D.1, 154D.3, 154D.4,  
18 and 154D.5, as amended in this Act, shall be implemented so the  
19 requirements are applicable beginning no later than January 1,  
20 2015.

21 2. The implementation of licensure for substance  
22 and addictive disorder counselors, master substance and  
23 addictive disorder counselors, independent substance and  
24 addictive disorder counselors, and substance and addictive  
25 disorder prevention professionals is subject to the approval  
26 of a one-time state appropriation to cover the initial  
27 administrative costs.

28 Sec. 20. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
29 of immediate importance, takes effect upon enactment.